

## CHAPTER 4

### EFFECTS ON DEVELOPMENT ACTIVITIES IN THE COAST

The previous chapter describes existing state policies and authorities upon which the New Hampshire Coastal Program is founded. This chapter discusses the impact and effects of these policies on future development activities in the coast. The Coastal program does not require any new laws or permits. The number of state or local permits presently required for the approval of development and construction projects remains the same. Rather, the program seeks to improve the administration of existing laws involving regulatory, resource management, and public investment decisions. This should achieve an optimal use of New Hampshire's coastal resources while ensuring local control of land use (effecting their tax base) and minimizing the constraints on property owners.

The following statements are intended to summarize the ways in which these existing statutory authorities effect coastal development activities.

- \* State coastal resource areas including beaches, sand dunes, rocky shores, coastal waters, tidal wetlands, and marine species habitats are environmentally sensitive areas which shall continue to be protected through the regulatory authorities of the Wetlands Board, Fish and Game Department, and the Water Supply and Pollution Control Division. Coastal development activities will, for the most part, be prohibited from these areas or conditioned so as to minimize or mitigate their impacts.

- \* State lands on the coast may be available for commercial activities that directly support the public recreation purpose.

- \* State lands on the coast devoted to conservation are not available for private development activities.

- \* State lands on the coast devoted to commercial fishing, boating and port operations shall continue to serve the public by providing access to coastal waters for water dependent activities and may be further developed for those purposes.

- \* Development which affects a state historic resource may be conditioned to eliminate or minimize adverse impacts on the historic site, under the Historic Preservation review process.

- \* Development trends on the coast can be summarized by the following scenarios:

Predominantly developed urban areas in the coast served by public water and sewer will accommodate high density development or redevelopment, consistent with Water Supply and Pollution Control regulations and local zoning.

Moderately developed areas on the coast served by public water, where sewer extensions are imminent for pollution abatement, will accommodate

moderate density development, consistent with Water Supply and Pollution Control Regulations and local zoning.

Sparsely developed areas served by public water will accommodate low to moderate density development, consistent with the Water Supply and Pollution Control Memorandum of Agreement, regulations, and local zoning.

Undeveloped coastal properties will accommodate low to moderate density development, dependent on proximity to coastal resources, soil suitability, availability of public roads and sewers, consistency with Water Supply and Pollution Control Division regulations, Wetlands Board permits, Department of Transportation driveway access permits, and local zoning. This is consistent with both the Department of Transportation's and the Water Supply and Pollution Control Division's Memoranda of Agreement.

\* Along the shores of the Great Bay, limited road access, extensive tidal mud flats, local zoning, lack of public sewer and water facilities, and established land use and ownership patterns have combined to maintain an agricultural/woodland/rural residential character. State agency capital investment, regulatory and land management decisions in and around the Bay shall recognize and act in concert to preserve this rural character and the area's scenic beauty.

\* State Route 1-A serves as a major collector highway along the Atlantic coast. The character of 1-A shall be maintained, with minor road improvements made as necessary. The proximity of 1-A to the Atlantic Ocean and tidal wetlands limits the expansion potential of this highway. For this reason, significant changes in land use requiring major expansions to route 1-A are not anticipated.

\* Major development or redevelopment in the coast can place undue demands on public services such as roads, water, sewer, parking and recreation. State agency review of major developments shall consider the increased demands placed on public facilities in their permitting and investing decisions.

Figure 4-1 presents a listing of state permits and regulations which affect development in the coast. They are directed at specific land and resource uses. All of the regulatory controls listed in this figure are presently in existence, and were enacted to provide control of these activities on a statewide basis. None were enacted for the specific benefit of the Coastal Program, and none are intended to be enacted for that purpose. As mentioned previously, improved administration will provide for fairer, quicker, and more uniform application of these controls in the coastal area.

Development projects proposed in the coastal area trigger a number of the existing regulatory procedures mentioned above, much as inland waterfront development would. For example, a single family residential development adjacent to Great Bay could be subject to local site plan review, planning board approval, and zoning board of adjustment approval for a variance or special exception. At the State level, Wetlands Board permits under RSA 483-A would become necessary for road crossings of wetlands, bridge footings, construction on the banks, filling of wet areas, and dock construction. The Division of Water Supply and Pollution Control could become involved because

an Alteration of Terrain permit under RSA 149:8-a would be necessary for disturbing more than 100,000 square feet of land or land adjacent to waters of the State. Because drainage would be affected, necessitating swales, standpipes, and culverts, etc., a Non-point Discharge Elimination permit would be required. If forest cover is to be logged off, the Division of Forests and Lands regulations (Res-H 304) apply. Access roads could not connect to any State owned or maintained thoroughfares until Driveway permits are reviewed and granted by the State Department of Transportation. Finally, federal permits could be needed from the EPA, and the Corps of Engineers.

While the Coastal Program does not place any requirements on developers which are not in effect elsewhere in the state (other than those State laws pertaining to the tidal environment), it does seek to direct development by implementing a conscious policy of wise public investment in infrastructure (see Chapter 3).

FIGURE 4-1

ACTIVITIES REQUIRING STATE PERMITS UNDER EXISTING STATE LAW

Regulated Activity	Description	RSA	Administrative Agency
Air Pollution	Construction and operation of all major, new sources of air pollution or modification of existing sources	125-C	Air Resources Division (DES)
Airports	Siting and construction of airports	422	Aeronautics Commission
Archaeological Excavations	Field excavations on State lands and on the bottom of State waters	227-C	Division of Historical Resources
Boat Moorings	Boating and mooring sites within tidal waters or harbors of the State	271-A	Port Authority
Dams and Reservoirs	Construction or reconstruction of dams and reservoirs	482:3	Water Resources Council (DES)
Dredge and Fill Disturbing Terrain Near Waterfront	Dredging, excavating, mining, filling, transporting of forest products or undertaking construction in or on the border of surface waters of the State, or altering the characteristic of the terrain.	149:8a	Water Supply and Pollution Control Division (DES)
Wetlands Dredge and Fill	Construction, filling, excavation or dredging of surficial or subsurface materials in areas adjacent to State waters	483-A	Wetlands Board (DES)

FIGURE 4-1 (Continued)

ACTIVITIES REQUIRING STATE PERMITS UNDER EXISTING STATE LAW

Regulated Activity	Description	RSA	Administrative Agency
Driveways	Construction of roads and driveways connecting to public ways	236:13	Department of Transportation
Drive-In Theatres	Construction of outdoor theatres	236:49-53	
Electric Power Facilities	Location, operation and construction of power plants	162-F	Bulk Power Evaluation Committee
Energy Facilities	Construction of energy facilities	162-H	Energy Facility Evaluation Committee
Hazardous Waste Facilities/Transportation	Construction, alteration or operation of hazardous waste treatment, disposal or storage facilities; transportation of hazardous materials within the State	147-A	Division of Waste Management (DES)
Hydropower Facilities	Construction or reconstruction of dams and reservoirs for hydroelectric facilities	482:16	Water Resources Council (DES)
Junkyards	Operation and location of junkyards adjacent to Federal-aid highways	236:90-110	Department of Transportation
Mining	All mining of minerals and metal deposits on State lands	12-E	Department of Resources and Economic Development

FIGURE 4-1 (Continued)

## ACTIVITIES REQUIRING STATE PERMITS UNDER EXISTING STATE LAW

Regulated Activity	Description	RSA	Administrative Agency
Outdoor Advertising	Installation of advertising devices adjacent to Federal-aid highways	236: 69-89	Department of Transportation
Pesticides	Commercial or private application of pesticides	149-D	Pesticides Control Board
Public Swimming Pools	Installation, operation or maintenance of a public swimming pool or bathing place	149: 23,24	Water Supply and Pollution Control Division (DES)
Road Construction Across Public Waters	Construction of public highways, access roads or private ways across a watershed tributary to a lake, pond or reservoir used for public drinking water	148: 25-a	Water Supply and Pollution Control Division (DES)
Sewage Treatment Facilities	Construction of any new public sewage installation or sewage treatment facility or repair of existing one	148: 25	
Solid Waste Facilities	Solid waste disposal, storage, treatment and processing sites	149-M	Division of Waste Management (DES)
Subdivision/ Waste Disposal Systems	Design and installation of subsurface sewage or waste disposal systems; subdivision of land	149-E	Water Supply and Pollution Control Division (DES)

FIGURE 4-1 (Continued)

ACTIVITIES REQUIRING STATE PERMITS UNDER EXISTING STATE LAW

Regulated Activity	Description	RSA	Administrative Agency
Timber Harvesting	Cutting of more than 50 percent of timber in areas adjacent to great ponds, streams, rivers, brooks and public highways	224	Department of Resources and Economic Development
Transmission Lines	Construction and maintenance of transmission lines on State owned lands and across public waters	371:17-23	Public Utilities Commission
Underground Utilities	Installation and repair of underground utilities within limits of State highway rights-of-way	236:9-12 231:184-186	Department of Transportation
Waste Disposal	Discharge and disposal of sewage or waste into surface and ground waters of the State	149:8	Water Supply and Pollution Control Division (DES)
Water Supply Systems	Construction or modification of any public water supply system	148:25	
Wood Processing	Operation of any mill processing primary forest products	224-A	Department of Resources and Economic Development
Youth Camps	Any camp or vacation resort operating longer than 30 days	149:20-23	Water Supply and Pollution Control Division (DES)